



H10532JDP
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas J. Foster, et al.

POST RIP IMAGE RENDERING IN A
MICR ELECTROGRAPHIC PRINTER
TO IMPROVE READABILITY

Serial No. 10/812,517

Filed 30 March 2004

Mail Stop - Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Group Art Unit: 2625

Examiner: Scott A. Schlack

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Debbie Nowacki
Debbie Nowacki

December 20, 2006
Date

Request for Reconsideration and Conditional Petition

This application has been reviewed in light of the non-final Office Action dated September 20, 2006. Claims 1-41 are pending, with Claims 1, 8, 14, 16, 23, 35 in independent form. No amendments to the claims have been made by this Response. Favorable reconsideration is respectfully requested.

Claims 1, 4-8, 11-16, 19-23, and 26-29 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,057,936 (Bares) in view of U.S. Patent No. 4,791,676 (Flickner et al.). Claims 30-35 and 38-41 have been rejected under Section 103(a) as allegedly unpatentable over the Bares Patent, the Flickner et al. Patent, and further in view of U.S. Patent No. 4,630,306 (West et al.). Claims 2, 3, 9, 10, 17, 18, 24, and 25 have been rejected under Section 103(a) as allegedly unpatentable over the Bares Patent, the Flickner et al. Patent, and common knowledge. Applicants respectfully traverse these rejections for at least the following reasons.

As an initial matter, Applicants note that the Office Action is silent regarding any teaching or suggestion in the prior art regarding the feature of Claim 1 that requires "reassigning the digital value of one or more edge pixels or interior pixels independently, thereby altering the concentration of magnetizable

substances within the image when printed in order to improve the readability of printed characters by reading instrumentation.” The Office Action states that the Bares Patent does not teach or suggest this feature, but then provides no discussion regarding whether or not the Flickner et al. Patent teaches or suggests this feature. See page 5 of the Office Action. In particular, the Office Action only alleges that “Flickner does disclose . . . reassigning the digital value of one or more edge pixels or interior pixels independently” The same rationale set forth in this paragraph applies to the other independent claims.

Further, the Office Action at paragraph number 7 on page 6 states that independent Claim 8 includes “identical features to claim 1” and “[t]herefore the explanation given above for claim 1 also holds for claim 8.” However, unlike Claim 1, Claim 8 requires “defining each pixel as a background pixel, interior pixel, edge pixel, one line pixel, or two line pixel; and reassigning the digital value of one or more interior pixel, edge pixel, one line pixel, or two line pixels independently” The Office Action, therefore, does not provide support for an alleged teaching or suggestion of these features in view of prior art.

For at least the reasons set forth in the preceding two paragraphs, Applicants respectfully submit that the Office Action is not complete in accordance with 37 C.F.R. §1.104(b) and requests that any subsequently issued Office Action be non-final with a reset period for response. In the event that Applicants’ request is denied, this paper is to be considered a **Petition** to the Director’s Supervisory Authority for the issuance of a new Non-Final Office Action with a reset time for response and a clear indication of where in the cited references these features are taught or suggested. The Commissioner is authorized to charge any fees associated with such a Petition to Deposit Account No. 05-0225. A duplicate of this paper is included herewith.

Claims 1-41 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over Claims 1-41 of copending Application No. 10/812,605. Because this rejection is provisional, Applicants respectfully defer addressing this rejection until claims of the present Application or claims of the 10/812,605 Application become allowed.

Independent Claim 1 requires, among other things, defining each pixel as either a background pixel, interior pixel, or an edge pixel. The Office Action on page 5, second-to-last paragraph, is understood to take the position that

the pixels labeled as H_0 , H_2 , and I_2 , of FIG. 1 of the Flickner et al. Patent allegedly correspond to the background pixels, the interior pixels, and the edge pixels of Claim 1, respectively. However, the Flickner et al. Patent states that the pixels labeled as I_2 are pixels identified as being included in the ring object 12. See column 4, lines 4-8. The Flickner et al. Patent is not understood to teach or suggest any differentiation between interior pixels and edge pixels of the object 12 amongst the pixels labeled I_2 . In particular, the entire object 12 includes pixels all having labels of I_2 . The Flickner et al. Patent has not been found to teach or suggest that edge pixels of the object 12 are identified separately from or differently than other pixels in the object 12. Accordingly, Applicant respectfully submits that the Flickner et al. Patent does not teach or suggest defining an edge pixel as required by Claim 1. In regard to the Bares Patent, the Office Action admits, and Applicants agree, that the Bares Patent does not teach or suggest these features of Claim 1. See page 5, third-to-last paragraph of the Office Action. Further, none of the other references of record are cited to teach or suggest these features of Claim 1. For at least these reasons, Applicants respectfully submit that Claim 1 is patentable.

Further in this regard, the Flickner et al. Patent appears to be silent regarding the reassigning of digital values of pixels in order to improve the readability of printed characters by reading instrumentation, as required by Claim 1. The Flickner et al. Patent is understood to pertain to identifying objects to which pixels belong, and appears to be silent regarding the “readability of printed characters by reading instrumentation”, as required by Claim 1.

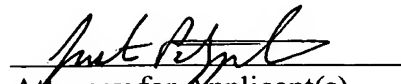
The other independent Claims include the same or similar features to those described above in connection with Claim 1 and are believed to be patentable for at least the same reasons. In addition, Claim 8 requires defining each pixel as a background pixel, interior pixel, edge pixel, one line pixel, or two line pixel. As with the discussion above, none of the pixels labeled as H_0 , H_2 , and I_2 , according to the Flickner et al. Patent, are understood to be taught or suggested to be, specifically, one line pixels or two line pixels, as opposed to background pixels or pixels generally within an object. Accordingly, Claim 8 is respectfully submitted to be patentable for at least this additional reason.

The other claims in this application depend from one of the independent claims discussed above, and are believed to be patentable for at least

the same reasons. Since each dependent claim is deemed to define an additional aspect of the invention, however, individual reconsideration of each claim on its own merits is respectfully requested. For example, dependent Claims 2, 3, 9, 10, 24, and 25 require that the "reassigning step comprise[] reassigning the binary digital values to multi-bit digital values." However, the Flickner et al. Patent is understood to discuss assigning an inverse of a binary pixel's value when one of 14 boundary conditions for that pixel are met. See col. 6, lines 18-22. Because the Flickner et al. Patent is understood to be operating on binary pixels at this point in its disclosure, Applicants respectfully submit that it is not common knowledge to one of ordinary skill in the art to know how or why to modify the teachings of Flickner et al. Patent so that it, instead of assigning an inverse of a binary pixel, "reassigns the binary digital values to multi-bit digital values", as required by these claims. Accordingly, these claims are submitted to be patentable for at least this additional reason. (Further in this regard, Applicants note that the Examiner's reference to "Prior Art" at paragraph numbers 16 and 17 on page 8 of the Office Action in the rejection of these claims essentially is the taking of Official Notice. Applicants hereby traverse such Official Notice for at least the reason set forth in this paragraph. Therefore, according to MPEP §2144.03, Applicants respectfully request that a subsequent Office Action provide documentary evidence to support the Examiner's taking of Official Notice that these claims are obvious in view of common knowledge or drop this rejection of these claims.)

In view of the foregoing remarks, Applicants respectfully submit that the claims are patentable and request the issuance of a Notice of Allowance.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at